

REMARKS

Claims 1-17 are pending and 1-6, 8-11, and 15-17 are rejected. Applicants reassert their request to rejoin withdrawn claims 7 and 12-14 upon allowance of compound claims.

Applicants thank Examiners Gibbs, and Gibbs, Vivlemore, and Quality Specialist Witz for the courtesy of December 2, 2009 and December 8, 2009 telephone interviews, respectively. Applicants have not yet received either Interview Summary but, as required, state they discussed potential amendments and arguments to overcome the pending rejections.

CLAIM REJECTIONS UNDER 35 U.S.C. §102

Claims 1, 4-6, 8-11, and 15-17 are rejected under 35 U.S.C. §102(b) as anticipated by WO 99/65928. Amended claim 1 recites "fragments consisting of subsequences of SEQ ID NO: 1 of at least 8 nucleotides and modifications thereof", supported at least at p. 5 lines 10-13. Applicants respectfully assert that claims 1, 4-6, 8-11, and 15-17 are not anticipated by WO 99/65928, at least because it does not disclose fragments consisting of subsequences of SEQ ID NO: 1 of at least 8 nucleotides, and respectfully request the rejection be withdrawn.

Claims 1, 5, 6, 8, and 15-17 are rejected under 35 U.S.C. §102(b) as anticipated by WO 01/77384. Amended claim 1 recites "fragments consisting of subsequences of SEQ ID NO: 1 of at least 8 nucleotides and modifications thereof", supported at least at p. 5 lines 10-13. Applicants respectfully assert that claims 1, 5, 6, 8, and 15-17 are not anticipated by WO 01/77384, at least because it does not disclose fragments consisting of subsequences of SEQ ID NO: 1 of at least 8 nucleotides, and respectfully request the rejection be withdrawn.

CLAIMS REJECTED UNDER 35 U.S.C. §103

Claims 1-3 are rejected under 35 U.S.C. 103(a) as obvious over WO 99/65928 in view of WO 01/68122. Amended claim 1 recites "fragments consisting of subsequences of SEQ ID NO: 1 of at least 8 nucleotides and modifications thereof", supported at least at p. 5 lines 10-13. Applicants respectfully assert that claims 1-3 are not obvious over WO 99/65928 in view of WO 01/68122, at least because WO 99/65928 in view of WO 01/68122 does not teach fragments consisting of subsequences of SEQ ID NO: 1 of at least 8 nucleotides, and respectfully request the rejection be withdrawn.

CONCLUSION

Applicants believe the application is in condition for allowance. Fees for time extensions to respond are simultaneously made by Electronic Funds Transfer. No other fees are believed due but, if deemed necessary, the Office is authorized to charge them to Deposit Account No. 20-0809.

The Examiner is invited to contact Applicants' undersigned representative with questions.

Respectfully submitted,
THOMPSON HINE LLP

/Beverly A. Lyman/

Beverly A. Lyman, Ph.D.
Reg. No. 41,961

Intellectual Property Group
P.O. Box 8801
Dayton OH 45402
513 352 6596
513 241 4771 (facsimile)754557